

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ASTRAILIA I. DUNFORD, individually and No. C 13-03829 WHA
on behalf of all similarly situated,

Plaintiff,

v.

AMERICAN DATABANK LLC,

Defendant.

**REQUEST RE PLAINTIFF'S RECORDS
AND BRIEFING**

A prior order asked Ms. Dunford for a declaration addressing her criminal history (Dkt. No. 48). She submitted a declaration, dated July 1, 2014, which stated (Dunford Decl. ¶ 22):

Finally, in 2010[,] I was convicted of a misdemeanor in Lake Tahoe, Nevada for the improper disposal of garbage. I have also recently been arrested on a charge of residential vandalism. I have been unable to retrieve court documents for these charges. However, none of these crimes have been disclosed in the subject American DataBank consumer report.


Surely plaintiff's counsel are able to retrieve the documents for these charges.

1. By **NOON ON AUGUST 8**, plaintiff's counsel shall submit: (i) all records regarding the misdemeanor Lake Tahoe conviction; (ii) all records regarding the residential vandalism arrest and charge; (iii) a declaration from Ms. Dunford describing the circumstances around the "recent" arrest on residential vandalism (*e.g.*, when it occurred and what has happened since then); and (iv) points and authorities regarding whether Ms. Dunford's criminal history (including seven convictions contained on her report) warrants rejecting her as a proposed class representative with fiduciary duties to absent class members under FRCP 23.

1 The points and authorities shall not exceed seven pages. Defense counsel shall submit a
2 response (not to exceed five pages) by **5:00 P.M. ON AUGUST 11, 2014**.

3 2. In light of the reference to advice of counsel in the declarations submitted by
4 defendant (Bradley Decl. ¶¶ 1, 10; Adams Decl. ¶ 2-4), by **NOON ON AUGUST 8**, both sides
5 shall submit briefing (each brief shall not exceed ten pages) addressing the extent to which
6 these references waive the attorney-client privilege and the extent to which discovery thereon
7 shall be permitted.

8
9 Dated: August 1, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE